

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN LAURIA et al.,

Plaintiffs,

-against-

NEXTEL OF NEW YORK, INC., d/b/a
NEXTEL COMMUNICATIONS et al.,

Defendants.
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ORDER

CV 05-3437 (ADS) (ARL)

LINDSAY, Magistrate Judge:

Before the court is the defendants' letter application dated May 14, 2007 seeking to compel the plaintiff to appear for deposition at their counsel's office located at 1585 Broadway, New York, New York. According to the defendants, they had originally noticed the plaintiff's deposition for April 4, 2007 at their counsel's office and, due to plaintiff's unavailability on that date, they agreed to postpone the deposition to May 17, 2007. Pursuant to that agreement, the defendants served an amended notice of deposition on plaintiff's counsel rescheduling the deposition for May 17, 2007 at 9:30 a.m. at defendants' counsel's New York office. On May 8th, the defendants served a second amended notice of deposition that included a request for the plaintiff to bring certain documents with him to the deposition. The date, time and location of the deposition did not change. Defendants report that plaintiff's counsel telephoned on May 14th and advised that the plaintiff would not be produced at defense counsel's office, but would be produced at the courthouse at 11:00 a.m or 12:00 p.m. The defendants' letter application followed.

Plaintiff has responded by letter filed on May 14, 2007.¹ Plaintiff's response seeks to compel the production of documents and responses to interrogatories in advance of the plaintiff's deposition and requests that the deposition be held at the courthouse "where a Magistrate would be available to supervise in the event of further misconduct by the defendant." The letter does not identify any misconduct by the defendants that would warrant the location change. Accordingly, the plaintiff is ordered to appear for deposition at the defendants' New York office.

Dated: Central Islip, New York
May 17, 2007

SO ORDERED:

/s/
ARLENE R. LINDSAY

¹The court notes that the letter is incorrectly dated February 17, 2007.

United States Magistrate Judge